

DEPARTMENT OF PLANNING
STAFF REPORT

PLANNING COMMISSION PUBLIC HEARING

DATE OF HEARING: November 19, 2009

ZMAP 2005-0019: BELMONT ESTATES

DECISION DEADLINE: January 29, 2010

ELECTION DISTRICT: Dulles

PLANNER: Jane McCarter

EXECUTIVE SUMMARY

Belmont Land, LC of Fairfax, Virginia has submitted an application to rezone approximately 20.59 acres from the CR-1 (Countryside Residential-1), CR-2 (Countryside Residential-2) and R-1 (Single Family Residential) zoning districts to the PD-H4 (Planned Development-Housing) zoning district in order to develop up to 21 single family detached dwelling units and up to 50 single family attached dwelling units (including 9 affordable dwelling units) which, along with one existing single family detached unit, would result in an overall residential density of approximately 3.50 dwelling units per acre. The subject property is also located partially within the FOD (Floodplain Overlay District) and partially within the VCOD (Village Conservation Overlay District – Ashburn). This application is subject to the Revised 1993 Zoning Ordinance.

The Applicant is also requesting modifications of the Zoning Ordinance (ZO) as follows:

ZO §4-102	To reduce the minimum size of a PD-H4 district from 25 acres to 20 acres.
ZO §3-511(A) ZO §4-110(B)	To permit roads serving single family detached dwelling units to be designed and constructed to private street standards.
ZO §4-109(C)(2) ZO §3-509(C)	To reduce the minimum required perimeter open space buffer width from 50 feet to 30 feet along the western boundary, 25 feet along the eastern and northern boundaries, and 20 feet along certain portions of the southern boundary of the property.
ZO §4-109(E)	To eliminate the height limitation at edges of PD-H districts, that corresponds to an imaginary plane leaning inward from the district boundary at an angle representing an increase in height of one (1) foot for every one (1) foot of horizontal distance perpendicular to the district boundary, for buildings on Lots 1, 3, 4, 5, 6, 7, and 16.
ZO §4-2104(A)(1)	To permit the front yard widths for buildings in the VCOD to be as shown on the CDP and to be without regard to the front yard of principal buildings on the same side of the street within 150 feet of both sides of the parcel's boundaries.
ZO §4-2104(A)(2)	To permit building heights in the VCOD to be up to heights permitted by the underlying zoning district and to be without regard to the height of buildings on the same side of the street within 150 feet of both sides of the parcel's boundaries.
ZO §4-2104(B)(2)(a)	To permit Lots 1 through 21 to have similar widths and a lot area

	variation of less than 500 square feet.
ZO §4-2104(B)(5)	To eliminate the minimum 20 foot setback for front-loaded garages measured from the front line of the principal building, on Lots 1 through 21.

The subject property comprises six (6) parcels and is located on the west side of Stubble Road (Route 647), the north side of the Washington & Old Dominion Trail, the south side of Graves Lane, and south of Claiborne Parkway (Route 901), at 43583, 43605, and 43635 Graves Lane and 20725 Stubble Road, Ashburn, Virginia. The area is governed by the policies of the Revised General Plan, which designate this area as Residential and Rural Village and which recommend residential development at densities up to 4.0 dwelling units per acre.

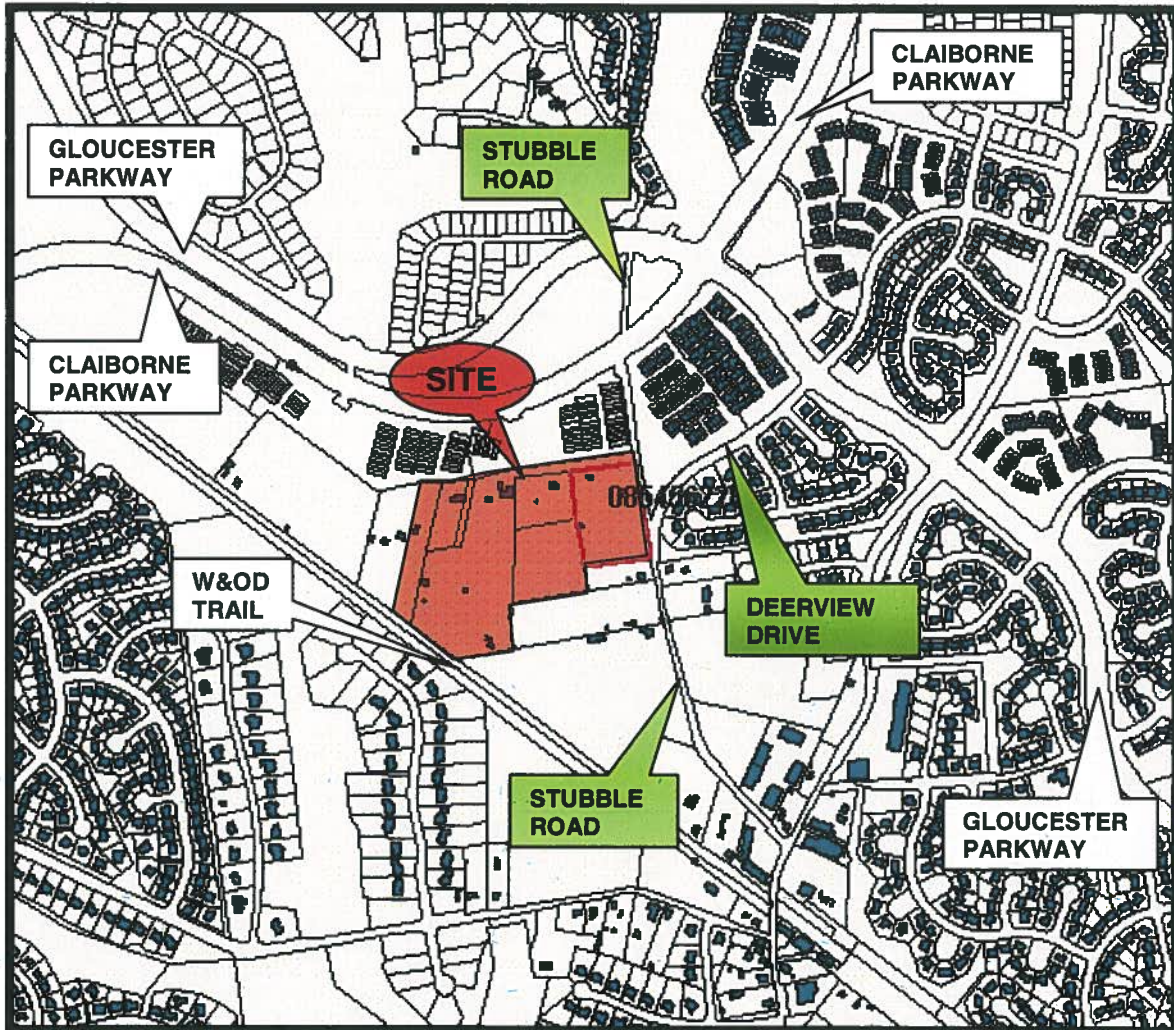
RECOMMENDATION

Staff recommends that the application be forwarded to committee for additional review of the revised proffers, concept development plan, and zoning modifications, and to discuss outstanding issues of transportation and community design, access, and capital facilities contributions.

SUGGESTED MOTIONS

1. I move that the Planning Commission forward ZMAP 2005-0019, Belmont Estates, to a Planning Commission worksession for further discussion.
Or
2. I move that the Planning Commission forward ZMAP 2005-0019, Belmont Estates, to the Board of Supervisors with a recommendation of denial.
Or
3. I move that the Planning Commission forward ZMAP 2005-0019, Belmont Estates, to the Board of Supervisors with a recommendation of approval subject to the draft proffer statement dated October 16, 2009 and with the Findings.

VICINITY MAP



Directions: From Leesburg go east on Route 7 (Harry Byrd Highway) to Route 659 (Belmont Ridge Road). Turn south on Route 659 and proceed approximately 1.1 miles to Stubble Road (Route 647) on left. Turn left onto Stubble Road and proceed approximately 1.75 miles to Graves Lane on the right. Properties are located on the west side of and west of Stubble Road on the north side of and north of the Washington & Old Dominion Trail, south side of Graves Lane and south of Claiborne Parkway at 43583, 43605, and 43635 Graves Lane and 20725 Stubble Road.

TABLE OF CONTENTS

I.	Applicant Information	5
II.	Land Use Impact Factors.....	7
III.	Referral Agency Comment Summary	8
IV.	Conclusions.....	10
V.	Project Review.....	12
A.	Context	12
B.	Summary of Outstanding Issues	11
C.	Overall Analysis.....	12
D.	Zoning Modification Review.....	16
E.	Zoning Ordinance Criteria for Approval.....	18
VI.	Attachments	22

I. APPLICATION INFORMATION

APPLICANT

Belmont Land LC
Mr. Kevin Crowne
12500 Fair Lakes Circle
Fairfax, Virginia 22033

REPRESENTATIVE

Cooley Godward LLP
Ms. Colleen Gillis Snow, Esquire
11951 Freedom Drive
Reston, Va. 20190

PROPOSAL

Rezone approximately 20.59 acres from the CR-1, CR-2 and R-1 zoning districts to the PD-H4 zoning district with zoning modifications, to yield up to 72 dwelling units, including 1 existing single family detached unit, and including up to 9 ADUs.

Modifications requested include:

- (1) reduce the minimum size of a PD-H4 district from 25 acres to 20.59 acres;
- (2) permit roads serving single family detached dwelling units to be designed and constructed to private street standards;
- (3) reduce the required perimeter open space buffer width from a minimum of 50 feet to a minimum of 30 feet along the western boundary, 25 feet along the eastern and northern boundaries, and 20 feet along certain portions of the southern boundary of the property and to a minimum of 0 feet adjacent to Graves Lane and Stubble Road;
- (4) permit buildings on lots 1, 3, 4, 5, 6, 7 and 16, to pierce the imaginary plane leaning inward from the district boundary at an angle representing an increase in height of one (1) foot for every one (1) foot of horizontal distance;
- (5) permit front yards for proposed buildings in the Village Conservation Overlay district to be established without regard to the average front yard depth of all buildings on the same side of the street within 150 feet of the parcel boundaries,
- (6) permit buildings in the Village Conservation Overlay District to be developed up to 35 feet in height, without regard to the height of buildings on the same side of the street within located within 150 feet of the parcel boundaries;
- (7) eliminate the minimum 20 foot setback for front-loaded garages measured from the front line of the principal building, on Lots 1 through 21; and
- (8) permit Lots 1 through 21 to have similar widths and a lot area variation of less than 500 square feet.

**ZMAP 2005-0019, BELMONT ESTATES
PLANNING COMMISSION PUBLIC HEARING
November 19, 2009**

LOCATION

West side of and west of Stubble Road (Route 647), on the north side of and north of the Washington & Old Dominion Trail, south side of Graves Lane and south of Claiborne Parkway at 43583, 43605, and 43635 Graves Lane and 20725 Stubble Road.

TAX MAP/PARCEL

Tax Map and Parcels:	MCPI:
Tax Map 62, Parcels 32	085-45-6228
Tax Map 62, Parcels 30	085-45-2602
Tax Map 62, Parcels 29D	116-40-8424
Tax Map 62, Parcels 29	116-40-7623
Tax Map 62((1)), Parcel 1	085-45-2233
Tax Map 62((1)), Parcel 2	116-30-9195

ZONING

Proposed zoning PD-H4; Existing zoning CR-1, CR-2, R-1

PROPOSED RESIDENTIAL UNITS

21 SFD and 50 SFA including 9 ADUs, in addition to 1 existing SFD unit to remain, for a total of 72 units.

SURROUNDING ZONING/ LAND USES:

	<u>Zoning</u>	<u>Present Land Uses</u>
North	PD-H4	Residential
South	CR-1 and R-1	Residential
East	PD-H4 and CR-2	Residential
West	R-1	Residential

**ZMAP 2005-0019, BELMONT ESTATES
PLANNING COMMISSION PUBLIC HEARING
November 19, 2009**

II. LAND USE IMPACT FACTORS	
CATEGORIES	FACTORS
<i>Proposed Residential Units by Type</i>	SFD: 22 SFA: 50 Total: 72 dwelling units (9 ADU units included)
<i>Allowable Residential Units By-right and by Planned Land Use</i>	1 dwelling unit/1 acre x 16.30 acres = 13 dwelling units 1 dwelling unit/20,000 SF x 4.29 acres = 7 dwelling units Total = 20 dwelling units Residential and Existing Rural Village of Ashburn: 4 dwelling units/acre x 20.59 acres = 82 dwelling units.
<i>Current Units Existing and Approved (projects of 20 units +) in the Subarea</i>	27,405 (Dulles sub-area, 2008 Growth Summary)
<i>Student Generation from Proposal*</i> <i>* Based on 22SFD and 50 SFA Dwelling Units</i>	HS: 11 MS: 9 ES: 21 Total: 41 Students
<i>Schools Assigned (by Name)</i> <i>Total Capacity / Student Enrollment</i> <i>September 2008</i> <i>Note: School Board may modify attendance zones.</i>	HS: Broad Run 1654 / 1487 (with trailers) MS: Farmwell Station 1206 / 1134 (with trailers) ES: Cedar Lane 767 / 718
<i>Anticipated Capital Facility Contribution</i>	\$1,774,725 (based on CIF adopted July 21, 2009)
<i>Proffered Capital Facility Contribution by Value and Type</i>	Cash: \$1,720,924.90 (\$24,238.38 per unit for 71 units; 1 unit is existing) Land: \$0 Construction: \$0 Transportation Credited: \$0 Total value: \$1,720,924.90
<i>Proffered Transportation Contributions / Phasing Triggers</i> <i>(ZMAP Proffer Statement dated October 16, 2007)</i>	1. Regional Road Contribution. \$4,500 per unit (71 new units = \$319,500) 2. Regional Off-Site Transportation Improvements. Fund a traffic signal warrant analysis, prior to issuance of the 35 th zoning permit for a traffic signal for the intersection of Deerview Drive and Gloucester Parkway. Construct and install a pedestrian-activated traffic signal in such location prior to issuance of the 45 th zoning permit. 3. Transit Contribution. \$500 per unit (71 new units = \$35,500) 4. Construction of Deerview Drive extension and roundabout. Acquisition of off-site right-of-way, and, construction prior to first townhouse occupancy permit. 5. Stubble Road. Initiate vacation and abandonment of portion east of Landbay 1; construct turnaround and emergency access south of Landbay 1 prior to first townhouse occupancy permit. 6. Graves Lane. Vacate portion north of Landbay 1 and construct 2 lane private street prior to first townhouse occupancy permit.

**ZMAP 2005-0019, BELMONT ESTATES
PLANNING COMMISSION PUBLIC HEARING
November 19, 2009**

III. SUMMARY	
Topic	Issues Examined and Status
Comprehensive Plan	<ul style="list-style-type: none"> Proposed active open space inadequate. Status: Unresolved. Update CDP to remove Lots 19-21 to ensure wetlands preservation onsite, and provide adequate active passive open space as well. Tree conservation throughout the stream corridor resource protected as a Tree Conservation Area – Status: Unresolved. Proffers do not support this request. Proffered Capital Facilities Contribution of \$24,238.38 is less than the minimum contribution per unit for the 71 units to be built. Status: Unresolved. A trail and sidewalk arrangement that addresses circulation throughout the community; sidewalks provided along Graves Lane, internal townhouse streets, and connection to W&OD trail; lighting; interparcel access Status – Resolved through proffers and redesign. Sidewalks on both sides of all residential streets, or– Status: Resolved through proffer and plat revisions. Provide raised boardwalk trails in wetlands areas and permeable trails throughout. Trails and sidewalks provide complete internal pedestrian circulation system. Status: Resolved with proffer and plat revisions.. Amenities provided include 2 tot lots with equipment; playground or volleyball court; fishing pond; and picnic pavilion with at least 4 tables. Status: Resolved with proffer and plat revisions.
Virginia DCR	<ul style="list-style-type: none"> No state listed plants or animals affected. Status: No issue.
Transportation	<ul style="list-style-type: none"> Secure the ultimate right-of-way and construct Graves Lane as a two-lane public roadway at the frontage of the site – Status: Unresolved. Current road design relies upon private street access to public street areas, a convoluted plan and limits the connectivity of the site to the outside area with a lack of alternate routes and dispersion. Deerview Drive should be extended to Stubble Road and designed and built to public road standards – Status: Unresolved and unsupported by Plan Policy requiring connectivity, dispersion, and alternate routes. Regional Road contribution of \$5,000 per unit sought. Applicant proffering \$4,500 per unit – Status: Unresolved. Transit contribution of \$575 per unit sought with applicant proffering \$500 per unit – Status: Unresolved.
Environmental	<ul style="list-style-type: none"> Adequacy of existing ponds to meet stormwater management and water quality concerns without incurring a significant redesign. Status – Unresolved proposed design is unclear in the conveyance of stormwater from offsite through 6 lots that may have buildability issues. Provision of digital data – Status: Resolved with proffer statement. Tree conservation along the W&OD Trail and the central area of the site in addition to preservation of eastern red cedar fencerow adjacent to W&OD trail. Status: Resolved in proffer statement. Show tree conservation areas; trails construction width, materials, and elevated boardwalks; archaeological site identification; wetland preservation – Status: Resolved through proffers and redesign. Energy Star certification proffered for all residential units. Status: Resolved and proffered.

**ZMAP 2005-0019, BELMONT ESTATES
PLANNING COMMISSION PUBLIC HEARING
November 19, 2009**

Zoning	<ul style="list-style-type: none"> Permit private roads to serve single family detached lots; 20.59 acres to become PD-H district; reduce perimeter open space buffer width; eliminate inward leaning plane height limitations; permit front yard depths less than that of Village Conservation Overlay District; permit building heights to exceed that of Village Conservation Overlay District; reduce garage setback from frontline of principle building; reduce minimum lot width. Status: Unresolved – modifications allow for increased density in an environmentally sensitive area with transportation concerns without meeting the modification criteria.
Schools	<ul style="list-style-type: none"> Student generation and future capacities reviewed with middle school and high school students in facilities that will use trailers to serve the student population. Status: Unresolved – additional impacts to existing schools.
NVRPA	<ul style="list-style-type: none"> 50 foot buffer adjacent to W&OD Park provided and 25 foot building setback from W&OD park boundary provided. Status: Resolved through proffers and redesign.
Parks and Rec	<ul style="list-style-type: none"> Clarify "Picnic Pavilion" design, location, and amenities. Provide access to the western property along Graves Lane. Status: Resolved with proffered amenity plat redesign.
Utilities	<ul style="list-style-type: none"> Public water and sewer to be provided. Status: No issue as public utilities to site provided.
Housing	<ul style="list-style-type: none"> Provide 9 ADU's dispersed throughout the community. Status: No issue; provided for in proffer statement.
Fire and Rescue	<ul style="list-style-type: none"> \$120 per unit for servicing fire and rescue companies. Status: Resolved and agreed to in proffer statement.
County Attorney	<ul style="list-style-type: none"> Draft proffer statement under continuing review by the County Attorney.
PROFFERS	
Capital Facilities	<ul style="list-style-type: none"> Contribution of \$24,238.38 per unit for a total of \$1,720,924.90. Total impact of \$3,268,120 for market rate units.
Transportation	<ul style="list-style-type: none"> Transit contribution or regional road contribution of \$500 per unit. Regional contribution of \$4,500 per unit.
Zoning Modifications	<ul style="list-style-type: none"> Permit private roads to serve single family detached lots; 20.59 acres to become PD-H district; reduce perimeter open space buffer width; eliminate inward leaning plane height limitations; permit front yard depths less than that of Village Conservation Overlay District; permit building heights to exceed that of Village Conservation Overlay District; reduce garage setback from frontline of principle building; reduce minimum lot width.
Tree Conservation Areas	<ul style="list-style-type: none"> Tree conservation throughout site in addition to preservation of eastern red cedar fencerow adjacent to W&OD trail.
Housing	<ul style="list-style-type: none"> Provide 9 ADU's.
Fire and Rescue	<ul style="list-style-type: none"> \$120 per unit for servicing fire and rescue companies.
Trails and Sidewalks	<ul style="list-style-type: none"> Provide raised boardwalk trails in wetlands areas and permeable trails throughout. Trails and sidewalks provide complete internal pedestrian circulation system.
Active Recreation	<ul style="list-style-type: none"> 2 tot lots with equipment; playground or volleyball court; fishing pond; and picnic pavilion with at least 4 tables.

IV. CONCLUSIONS

1. The proposed rezoning conforms to the land use and density policies in the Revised General Plan.
 - A. Both the existing R-1 and the proposed PDH-4 districts allow for a reasonable use of the property.
 - B. The proposal meets the land use and density policies of the Suburban Policy Area.
 - C. The Applicant's proposal provides increased contiguous open space and preservation of the stream and pond corridor bisecting the site as generally meets the design goals of the Plan.
2. The zoning modifications requested are not justified in providing an innovative design, improving upon the existing regulations or otherwise exceeding the public purpose but appear to serve solely to increase the number of single family detached units.
3. Transportation impacts are not mitigated through proffer contributions of \$4,500 regional road contribution. The regional road contribution needed to mitigate the impacts is \$5,000 per unit. Transit improvement contributions are not mitigated through proffer contributions of \$575 per unit. The Applicant has proffered \$500 per unit for transit improvements.
4. Capital facilities impacts are not adequately mitigated. Currently the proffers include a capital facilities contribution of \$24,238.38 per each new unit that is less than the minimum \$24,996.13 needed to meet the minimum within plan policy.

V. PROJECT REVIEW

A. CONTEXT

Belmont Estates is located on 6 parcels totaling 20.58 acres. The proposal is to develop 21 single family detached dwelling units and 50 single family attached dwelling units (including 9 affordable dwelling units) which, along with existing single family detached unit will result in an overall residential density of approximately 3.50 dwelling units per acre. The site is predominantly zoned R-1 and planned for Residential Uses. Approximately 7.65 acres of the site is zoned CR-1 and CR-2 and mapped as Rural Village- Ashburn pursuant to the Revised General Plan Map.

The parcels are located west of Stubble Road (Route 647), north of the Washington & Old Dominion Trail and south of Graves Lane and Claiborne Parkway. Belmont Estates is immediately surrounded by a mixture of existing or planned residential development to the north and east. The Greens at Belmont Country Club is located north of Graves Lane and the Courts and Ridges at Ashburn residential community is located to the east across Stubble Road. Residential development zoned R-1 immediately abuts the property to the east, south, and west sides. The W&OD Trail shares a common boundary with the southern portion of the property. The Ashburn Farm mixed-use development is located further south.

The combined property largely consists of rural homes, floodplain with two running streams and 3 ponds, and varieties of wooded vegetation. The site is relatively flat topography that includes

floodplain, identified wetlands, and one archeological site. The application takes a number of these features into account in proposing a community of residential dwellings on approximately 48% of the land with the remainder of the site to be in open space easement.

A significant area of minor floodplain runs through the center of the Property in a north-south direction. The Concept Plan preserves and enhances this area of minor floodplain as an attractive area of wet ponds and open space for the benefit of the community's residents. A gazebo on the western side of the Property allows residents to enjoy a view of these wet ponds and open space.

Access to the development will be provided from Deerview Drive through Graves Lane. The Applicant proposes to cul-de-sac Stubble Road just south of the extension of Deerview Drive.

Other proposed development features included with the application are one or more tot lots, a play field or volleyball court, jogging trails and a fishing area in the active recreation areas, two gazebo/pavilion civic spaces, ponds and open space, and a significant connecting trails network. During the review process, the Applicant redesigned the layout to address Staff referral comments and input from meetings with surrounding community members to remain sensitive to the environmental features of the property and address access and traffic concerns.

The Applicant has obtained approval of a by right preliminary plat of subdivision, SBPL 2007-0001 (approved August 8, 2007), for this land which creates 20 lots ranging from 12,312 to 36,723 square feet each and accessed by public roads throughout the community with a through connection from Deerview Drive to Stubble Road. This design provides significant preservation of the river and stream corridor resources and creates a community that successfully integrates with the existing Village of Ashburn community.

B. SUMMARY OF OUTSTANDING ISSUES

The following outstanding issues are discussed in the Staff report. The Applicant has submitted referral agency responses (*Attachment 71*) to address issues with a revised Proffer Statement dated October 16, 2009 (*Attachment 97*) and Concept Development Plan dated October 16, 2009. The Applicant has met with Staff to discuss the outstanding issues.

The proposed rezoning to PD-H4 offers an alternative to the existing R-1 zoning. The existing zoning provides for an appropriate and economically viable use of the property. The Applicant has completed the subdivision process to develop the property into 20 lots under the current zoning.

The proposed rezoning has 3 significant issues:

1. Transportation – The road design relies upon a severing of the connectivity currently available to the residents of the surrounding communities. The proposed severing of Stubble Road and the associated roundabout/cul-de-sac arrangement is convoluted and violates sound planning principles in that it removes the option for alternative routes and the dispersion of traffic.
2. Modifications – The magnitude of the requested reductions serves to highlight the overall issue with this design of simply too many lots within the area and a failure to successfully integrate into the existing Village of Ashburn neighborhood. The majority of the

modification requests serve to maximize the density of the single family detached Landbay 1 to provide 21 lots. A reduction in the number of lots with an accompanying redesign of this Landbay could minimize the need for zoning modifications as well as provide for the transportation connectivity cited above. Additionally the modifications exacerbate the environmental concerns as the increased single family detached lots are in environmentally sensitive areas. A portion of this area could be designed to address the outstanding active open space deficit as well.

3. Capital Facilities and Transportation Impacts – These impacts have not been mitigated in the proffer statement.

C. OVERALL ANALYSIS

LAND USE AND DENSITY

The Revised General Plan designation for the subject site is Residential and Rural Village. An unnamed tributary to Beaverdam Run and its associated floodplain separate the area predominantly planned Rural Village (Landbay 1 east of the floodplain) and the area planned for Residential uses (Landbay 2 west of the floodplain).

The County may permit rezonings up to 4 dwelling units per acre in Residential Neighborhoods. The County's strategy is to limit growth in and around the Existing Villages. New development should be compatible with existing structures and development patterns. Rezonings to higher densities will only be permitted in Existing Villages if the design reinforces the character, pattern of development and identity of the village in a manner not possible under the current zoning. Plan policies call for Village residents to be consulted regarding zoning proposals within the Village boundaries. The Applicant has performed this through a series of community meetings, and, a number of community residents have contacted the County with their concerns regarding Stubble Road, access, traffic, and the unit designs as they coordinate with the existing community.

The Village of Ashburn is a small historic community which developed in the mid to late 19th century on rural farmland. Many of the earliest residential homes, commercial buildings, and churches still remain in the village today, most of which are centrally located near the area where the W&OD Trail intersects with Ashburn Road.

While the surrounding area is suburban in character the Village itself retains a rural character. These characteristics separate Ashburn from the other existing Villages. Single-family attached homes are located north of the property, north of Graves Lane as part of the Belmont development. Properties to the east across Stubble Road consist of single-family attached and single-family detached units as part of the Courts and Ridges at Ashburn residential development. The Belmont residential development is located entirely within an area designated for Residential land uses while the Ridges at Ashburn is located partially within the Village of Ashburn as well as within planned Residential areas. While the Ridges at Ashburn is on a larger scale (approximately 86.83 acres) it can serve as a good comparison for the proposed development to ensure it is compatible with surrounding development. The Ridges at Ashburn has an overall density of approximately 3.8 dwelling units per acre. The density proposed with Belmont Estates is comparable at 3.4 dwelling units per acre.

There are no outstanding issues with land use or density based on plan policy.

SITE DESIGN ISSUES

Residential communities should provide a variety of housing types and lot sizes while fostering neighborhood social gatherings. The Applicant has provided large and small SFA units and attached garage SFD units on varying lot sizes.

Residential communities call for a design that facilitates compact site layout; a pedestrian-scale streetscape including such features as street trees, sidewalks along all street frontage, and street lighting; and an interconnected street pattern with inter-parcel connections. The Applicant has successfully addressed these with the current design, however, the compact site layout relies upon streets that are problematic in design as discussed in the Transportation section below.

There exist 5 specimen trees that are open grown and of significant size (20-35" dbh) within Landbay 1. The current design eliminates all of these 5 trees, however, a redesign and shifting to accommodate the altered lot layout in the vicinity of Lot 14 may allow for preservation of 3 of these specimen trees. Approximately 50 healthy, three-inch diameter, canopy trees would need to be planted to provide the equivalent air quality benefits generated by each healthy specimen tree removed from the site.

The Applicant has sought a number of zoning modifications to facilitate the proposed design. Staff does not support the modifications for elimination of setbacks for garages; modifications to the Village Conservation Overlay District for increased heights and reduced front yards; reductions to perimeter open space buffers; and reductions to road setbacks. The magnitude of the requested reductions serves to highlight the overall issue with this design of simply too many lots within the area and a failure to successfully integrate into the existing Village of Ashburn neighborhood. While Staff understands the desire expressed in the design to mimic the adjacent PD-H district design, this site is central to that singular portion of land bounded by Ashburn Road and the W&OD Trail and therefore to retaining the flavor of Village of Ashburn.

Site design remains the significant outstanding issue with this proposal.

WATER QUALITY & STORMWATER MANAGEMENT

The current design does not meet the purpose and objectives of the Loudoun County Stormwater Management Program, which are to limit adverse impacts upon the health, safety, and welfare of the general public and the County's water resources that may result from the discharge of unregulated stormwater runoff. Three locations with existing ponds are proposed to provide the required Stormwater Management (SWM)/Best Management Practice (BMP) treatment for the site. The pond located to the east of the minor floodplain is fed by and outfalls into an intermittent stream. The northernmost pond is located within the floodplain. The remaining pond is located to the west, outside of jurisdictional waters, and outside of the floodplain. Due to their connection to the existing stream corridor, the east and north ponds are functional components of the natural hydrologic system present on-site. In order to protect water quality, BMP/water quality treatment such as forebays must be provided outside these two ponds directly connected to the existing stream corridor.

Connection to the upstream existing stormwater management pond located east of Landbay 1 at the Courts and Ridges of Ashburn is accomplished via surface drainage. That drainage proceeds to the existing pond on the Belmont Estates site. The existing pond is to be relocated west of the east pond site. Absent information discussing how this outfall will be addressed it appears the outfall will cross lots 1, 2, 11, 12, 20 and 21 and will need to be piped. The

easement to accommodate the piping of this offsite water from a pond currently accommodating the 100 year storm is estimated a minimum of 20 feet in width through the building envelope of these lots. Staff recommends this issue be addressed in the design now to ensure buildable lots and adequate stormwater conveyance.

In order to provide water quality treatment outside the two existing ponds Staff recommends that the Applicant implement Low-Impact Design BMPs, such as bioretention, constructed wetlands, or sheet flow to buffer practices, that incorporate water quality treatment as a functional component of the site design to limit adverse impacts upon the County's water resources. The Applicant has not chosen to incorporate LID into the design to date. Staff reiterates the incorporation of LID design in this proposal will have a significant positive impact upon preserving the integrity of the existing water resources.

Design considerations that must be incorporated into the proposed retrofit design of the two existing ponds to protect existing water quality include sediment forebays and increased pond volume. Should the Applicant choose to address SMW/BMP in this manner the areas surrounding these ponds will be disrupted, existing vegetation destroyed, and the hydrology altered. Staff recommends that the Applicant consider supplementing the existing forest cover within the Minor Floodplain to a width of 50 feet from the channel scar line with native bottomland species to enhance the forested riparian corridor and, at minimum, to restore the vegetative damage to the area as a whole with the enlargement of the ponds.

Stormwater design remains a significant outstanding issue with this proposal.

CAPITAL FACILITIES CONTRIBUTION

Under the Plan, all residential rezoning requests will be evaluated in accordance with the Capital Facilities policies of the Plan. The Plan calls for capital facilities contributions valued at "100 percent of capital facility costs per dwelling unit" at densities above the specified base density. The base density is defined as "1.0 dwelling unit per acre or a base density equivalent to the density requirements contained in the existing zoning district regulations applicable to the property and in effect at the time of the application"; whichever is lower.

Capital facility impacts have been calculated for the proposed application including the costs associated with the provision of safety, government, recreation, and education services, etc. The total projected capital facilities impact of the proposed development is \$3,327,590. The County assumes responsibility for the capital facilities impacts up to the base density of 1 dwelling unit per acre, and, for the ADU units. As such, the anticipated capital facilities contribution would be the equivalent of \$1,774,725. The Applicant has proffered a capital facilities contribution of \$24,238.38 per unit for each of 71 new units, however, the minimum contribution anticipated is \$24,996.13 per unit, and therefore \$53,800 less than anticipated.

The capital facilities contribution proffer is not consistent with the capital facilities guidelines of the County.

TRANSPORTATION

The Traffic Impact Study indicates that existing traffic volume at the site's frontage on Stubble Road is 1520 Average Daily Traffic (ADT), Deerview Drive is 1160 ADT and Ashburn Road is 17910 ADT. The proposal for building 22 units of single family detached dwellings and 50 units of single family attached dwellings will generate approximately 700 vehicle trips per day to the surrounding roads. The traffic impact study indicates that the eastbound-left turn approach on

the current intersection of Stubble Road / Ashburn Road will operate at level of service F during the PM peak hour. The LOS at this intersection will be acceptable once a traffic signal is installed.

The Applicant has designed an internal transportation system to accommodate both the site movements and the significant concerns voiced in community meetings regarding traffic through the existing neighborhood of Ridges at Ashburn and the Village of Ashburn locations on Stubble Road. Subsequent to these discussions the Applicant has proposed to cul-de-sac Stubble Road south of the site, eliminate the Graves Lane connection to Stubble Road north of the site, and provide the sole access to the site via Deerview Drive.

The Stubble Road cul-de-sac at the site entrance will result in Belmont Estates residents having only one access to/from the site via Deerview Drive, and eliminating access through Stubble Road south of the site. Staff does not support the two cul-de-sacs arrangement and would like the applicant to pursue the connection of Stubble Road and Deerview Drive as previously recommended in the Traffic Study that was prepared for Loudoun County done by Patton Harris Rust & Associates, dated July 28, 2004, and as presented/analyzed in the applicant's traffic study, dated June 15, 2005 (also prepared by PHR & A). This connection will provide access to all local properties and ensure proper functionality for the road network in the vicinity of the site. As indicated in the 2004 traffic study, the connection of Deerview Drive to Stubble Road will reduce the delay at the intersections adjacent to the site such as Ashburn Road/Gloucester Parkway. The purpose of providing the connection of Stubble Road and Deerview Drive is to provide a good traffic distribution and better circulation in the area. The construction of Deerview Drive should be designed and constructed to meet all the public road requirements that are acceptable to VDOT. The alternative of having two cul-de-sacs back-to-back is not consistent with Revised General Plan Policy regarding connectivity and is contrary to the new (2009) VDOT Secondary Street Acceptance Requirement (SSAR) which require connectivity.

The access for Belmont Estates is proposed through two internal roundabouts and the Ridges at Ashburn Community to Gloucester Parkway. The design speed for this route is 15-25 mph for nearly $\frac{3}{4}$ of a mile. Staff views these access factors as problematic and recommends the community be accessed via roadways designed to public street standards to provide safe access in conformance with plan policy.

Staff supports the connection of this community via Graves Lane constructed to public street standards and thence through Stubble Road and Deerview Drive via roadways designed to public street standards to assure acceptance by VDOT. Relocation of Lots 6,7, and 16 out of the sight lines will be required at site plan, and, could result in significant change to this proposed road layout. Staff recommends the lot and street redesign occur now to accommodate any additional road design constraints.

This remains an outstanding issue.

Staff requested a total regional road contribution of \$5,000 per unit to be used for improvements to the area. The Applicant has proffered \$4,500 per unit for a regional road contribution. This contribution deficiency remains an outstanding issue.

Staff has requested \$575 per unit and the Applicant has proffered \$500 per unit for transit improvements. This contribution deficiency remains an outstanding issue.

SCHOOLS

Approval of the rezoning will generate approximately 45 additional school children. Based on the number of units proposed, 23 elementary, 10 middle, and 12 high school children are anticipated. Based on School Board adopted attendance boundaries, the development will be served by Cedar Lane Elementary School, Farmwell Station Middle School, and Broad Run High School.

As noted in the referral the "projected enrollment growth will surpass all potentially available future capacity that is embodied in existing proffers." Children from currently approved developments in the Ashburn area will more than fill the area schools.

Added students from developments such as this only add burden to nearby schools that are near, at, or over their capacity. The only resolution is to expand existing classroom sizes, expand existing schools, or re-district students to new schools farther away from their homes to the west.

FIRE AND RESCUE

This site is currently served by the Ashburn Volunteer Fire and Rescue Company (Station 6) approximately 0.40 miles from the property. The response time for the Ashburn Volunteer Fire and Rescue Company has been estimated at approximately 3 minutes. The Applicant proffers a \$120 per unit contribution to the servicing fire and rescue companies. There are no issues with construction access or permanent access to the site through either the proposed Deerview Drive or the existing Stubble Road connections.

ZONING

The Applicant is seeking a number of modifications to fit the proposed design to the site while preserving the central pond and stream portion of the site. Staff does not support the modifications for reduced setbacks for garages; modifications to the Village Conservation Overlay District for increased heights and reduced front yards; reductions to perimeter open space buffers; and reductions to road setbacks. The magnitude of the requested reductions serves to highlight the overall issue with this design of simply too many lots within the area and a failure to successfully integrate into the existing Village of Ashburn neighborhood. The majority of the modification requests serve to maximize the density of the single family detached Landbay 1 to provide the 21 lots. Staff recommends a reduction in the lots with an accompanying redesign of this Landbay to minimize the need for zoning modification and the impacts of the design upon the existing Village of Ashburn community. While Staff understands the desire expressed in the design to connect to the adjacent PD-H district design, this site is central to that singular portion of land bounded by Ashburn Road and the W&OD Trail and therefore to retaining the flavor of Village of Ashburn.

The modifications requested remain an outstanding design issue.

PROFFER REVIEW

The most recent draft proffer statement, October 16, 2009, is included as *Attachment A-97*. There are numerous clarifications and corrections recommended in Staff referrals affecting consistency between the proffers and the concept plan. Continued review of these proffers is necessary by both Staff and the County Attorney's Office.

D. ZONING MODIFICATION REVIEW

Section 6-1504 of the Revised 1993 Zoning Ordinance states "The regulations of the PD district sought shall apply after rezoning is approved unless the Board of Supervisors approves a modification to the zoning, subdivision or other requirements that would otherwise apply. No modifications shall be permitted which affect uses, density or floor area ratio of the district... No modification shall be approved unless the Board of Supervisors finds that such modification to the regulations will achieve an innovative design, improve upon the existing regulations, or otherwise exceed the public purpose of the existing regulation. No modification will be granted for the primary purpose of achieving the maximum density on a site. An application for modification shall include materials demonstrating how the modification will be used in the design of the project."

The Applicant requests the following modifications to the Revised 1993 Zoning Ordinance for the PD-H4 zoning district:

ZO §4-102	To reduce the minimum size of a PD-H4 district from 25 acres to 20 acres.
ZO §3-511(A) ZO §4-110(B)	To permit roads serving single family detached dwelling units to be designed and constructed to private street standards.
ZO §4-109(C)(2) ZO §3-509(C)	To reduce the minimum required perimeter open space buffer width from 50 feet to 30 feet along the western boundary, 25 feet along the eastern and northern boundaries, and 20 feet along certain portions of the southern boundary of the property.
ZO §4-109(E)	To eliminate the height limitation at edges of PD-H districts, that corresponds to an imaginary plane leaning inward from the district boundary at an angle representing an increase in height of one (1) foot for every one (1) foot of horizontal distance perpendicular to the district boundary, for buildings on Lots 1, 3, 4, 5, 6, 7, and 16.
ZO §4-2104(A)(1)	To permit the front yard widths for buildings in the VCOD to be as shown on the CDP and to be without regard to the front yard of principal buildings on the same side of the street within 150 feet of both sides of the parcel's boundaries.
ZO §4-2104(A)(2)	To permit building heights in the VCOD to be up to heights permitted by the underlying zoning district and to be without regard to the height of buildings on the same side of the street within 150 feet of both sides of the parcel's boundaries.
ZO §4-2104(B)(2)(a)	To permit Lots 1 through 21 to have similar widths and a lot area variation of less than 500 square feet.
ZO §4-2104(B)(5)	To eliminate the minimum 20 foot setback for front-loaded garages measured from the front line of the principal building, on Lots 1 through 21.

APPLICANT JUSTIFICATION

The Applicant is seeking a number of modifications to fit the proposed design to the site while preserving the central pond and stream portion of the site. The design maximizes the preservation of environmentally sensitive areas inclusive of floodplain, W&OD Trail, generally supports the preservation of the river and stream corridor resources and retains an existing

home. In addition the Applicant states the purpose of the modifications is to create a community in keeping with the existing Village of Ashburn and the Village Conservation Overlay District.

STAFF REVIEW AND RECOMMENDATION

Staff does not support the modifications for reduced setbacks for garages; modifications to the Village Conservation Overlay District for increased heights and reduced front yards; reductions to perimeter open space buffers; and reductions to road setbacks. The magnitude of the requested reductions serves to highlight the overall issue with this design of simply too many lots within the area and a failure to successfully integrate into the existing Village of Ashburn neighborhood.

The majority of the modification requests serve to maximize the density of the single family detached Landbay 1 to provide the 21 lots. Staff recommends a reduction in the number of lots with an accompanying redesign of this Landbay to minimize the need for zoning modification and the impacts of the design upon the existing Village of Ashburn community. While Staff understands the desire expressed in the design to connect to the adjacent PD-H district design, this site is central to that singular portion of land bounded by Ashburn Road and the W&OD Trail and therefore to retaining the flavor of the Village of Ashburn.

Additionally the access for Belmont Estates is proposed through two internal roundabouts and the Ridges Community to Gloucester Parkway. The design speed for this route is 15-25 mph for nearly $\frac{3}{4}$ of a mile. Staff views these access factors as problematic and recommends the community be accessed via roadways designed to public street standards to provide safe access in conformance with plan policy. Staff does not support the request to permit roads serving single family detached dwelling units to be designed and constructed to private street standards.

Staff supports the connection of this community via Graves Lane constructed to public street standards and thence through Stubble Road and Deerview Drive via roadways designed to public street standards to assure acceptance by VDOT.

The Applicant has obtained approval of a by right preliminary plat of subdivision, SBPL 2007-0001 (approved August 8, 2007), for this land which creates 20 single family detached lots ranging from 12,312 to 36,723 square feet each and accessed by public roads throughout the community with a through connection from Deerview Drive to Stubble Road. This design provides significant preservation of the river and stream corridor resources and creates a community that successfully integrates with the existing Village of Ashburn community.

E. ZONING ORDINANCE CRITERIA FOR APPROVAL

Section 6-1211(E) of the Revised 1993 Loudoun County Zoning Ordinance states " ... (i)f the application is for reclassification of property to a different zoning district classification on the Zoning Map ..., the Planning Commission shall give reasonable consideration to the following matters ...":

(1) Whether the proposed zoning district classification is consistent with the Comprehensive Plan.

As identified in the Revised General Plan, the property is located in the Suburban Policy Area and is planned for residential uses at a density of 4.0 units per acre. The proposal is in conformance with the Revised General Plan with regard to land use and density.

- (2) *Whether there are any changed or changing conditions in the area affected that make the proposed rezoning appropriate.*

There have been no changes in the area that would alter the planned land use pattern and policies. A residential proposal is an appropriate use of this property.

- (3) *Whether the range of uses in the proposed zoning district classification are compatible with the uses permitted on other property in the immediate vicinity.*

The uses permitted in the proposed zoning district (PD-H4) could be compatible with other uses permitted to the east and north of the site where there are the PD-H4 communities of Belmont Country Club and Courts and Ridges of Ashburn. The site is the transition from the existing R-1, CR-1, and, CR-2 located to the south and west of the site.

- (4) *Whether adequate utility, sewer, and water, transportation, school and other facilities exist or can be provided to serve the uses that would be permitted on the property if it were rezoned.*

The Applicant will extend public water and sanitary sewer to the property in conformance with the policies of the Revised General Plan and the LCSA master plan for this area. The Applicant is proffering transportation improvements for Deerview Drive. Adequate emergency services exist in Ashburn.

- (5) *The effect of the proposed rezoning on the county's ground water supply.*

The proposed development is to be served by public water and sewer. All remaining wells and drainfields on the property will be properly abandoned.

- (6) *The effect of uses allowed by the proposed rezoning on the structural capacity of the soils.*

A detailed soils report for the property will be submitted as part of the subdivision process. The soils report will determine the appropriate engineering measures that may be needed during the development of the property. The Applicant has designed the site to avoid most areas with hydric soils. Soils on the site are generally suitable for development purposes.

- (7) *The impact that the uses that would be permitted if the property were rezoned will have upon the volume of vehicular and pedestrian traffic and traffic safety in the vicinity and whether the proposed rezoning uses sufficient measures to mitigate the impact of through construction traffic on existing neighborhoods and school areas.*

It is estimated traffic generated by this development will add approximately 700 average daily trips to the area road network. The application proffers a signal at the intersection of Gloucester Parkway and Deerview Drive as well as roadway improvements to Deerview Drive and Graves Lane. The Applicant has designed the site to allow for internal pedestrian and bicycle mobility with trail and sidewalks throughout the project, and a trail connection to the W&OD Trail as well as interparcel accesses to the west of the site.

- (8) *Whether a reasonably viable economic use of the subject property exists under the current zoning.*

Plan policy allows for development of the site under the existing zoning district in a development form of 1 unit per acre served by onsite sewer and water. The site is central to an area with these densities which indicates that such development is viable.

- (9) *The effect of the proposed rezoning on environmentally sensitive land or natural features, wildlife habitat, vegetation, water quality and air quality.*

The Applicant has identified 48% of the site as open space and the preservation of the north/south riparian corridor has been a primary consideration in the design. The proposed design avoids most stream corridor and wetland areas of the site and proposes to conserve open space areas of the property.

- (10) *Whether the proposed rezoning encourages economic development activities in areas designated by the Comprehensive Plan and provides desirable employment and enlarges the tax base.*

The application proposes residential development in an area planned for such uses.

- (11) *Whether the proposed rezoning considers the needs of agriculture, industry, and businesses in future growth.*

The Revised General Plan recommends that the Property be developed with residential uses at densities of up to 4 units per acre in the Residential portion of Landbay 2 and comparable to the Rural Village of Ashburn in Landbay 1. Agriculture, industry, and businesses are not a part of this rezoning due to the small parcel size of 20.89 acres.

- (12) *Whether the proposed rezoning considers the current and future requirements of the community as to land for various purposes as determined by population and economic studies.*

The proposed rezoning would add to the housing inventory, and affordable dwelling unit stock for future population growth.

- (13) *Whether the proposed rezoning encourages the conservation of properties and their values and the encouragement of the most appropriate use of land throughout the County.*

The proposed design affords a conservation of forested areas, wetlands, and contiguous open space areas providing more substantial green spaces and less fragmented environment for wildlife in the area. The proposed rezoning would support maintenance of property values in the area adding to the residential nature of the area.

- (14) *Whether the proposed rezoning considers trends of growth or changes, employment, and economic factors, the need for housing, probable future economic and population growth of the county.*

The proposed rezoning addresses the need for housing and proffers capital facilities contributions in order to offset the housing impact to services, however the proffers for transportation and capital facilities are inadequate. There are no proffers to address the increased school crowding resulting from this rezoning.

**ZMAP 2005-0019, BELMONT ESTATES
PLANNING COMMISSION PUBLIC HEARING
November 19, 2009**

- (15) *The effect of the proposed rezoning to provide moderate housing by enhancing opportunities for all qualified residents of Loudoun County.*

The Applicant has provided 9 ADUs interspersed within the single family detached units.

- (16) *The effect of the rezoning on the natural, scenic, archeological, or historic features of significant importance.*

The proposed design protects more of the natural features of the site such as most of the existing ponds, the river and stream corridor management buffer areas with a redesign sensitive to these concerns. This design does eliminate all existing specimen trees which range from 19" dbh to 35" dbh (*see plat sheet 9*) and are entirely located within the area of the single family detached lots 3-4, 11, and 13-15. The proposed project will preserve approximately 48 percent of the property as open space. Archaeological survey was conducted on the property and none of the documented archaeological site on the property requires further attention.

VI. ATTACHMENTS (Unless noted otherwise, attachments may be obtained from the Department of Planning)		PAGE NUMBER
1. Review Agency Comments		
a. Community Planning	Referral: 8/10/09	A-1
b. Zoning Administration	Referral: 8/13/09	A-9
c. Office of Transportation Services	Referral: 9/17/09	A-16
d. VDOT	Referral: 8/10/09	A-21
e. Schools	Referral: 7/14/09	A-23
f. Environmental Engineering	Referral: 8/12/09	A-25
g. Fire and Rescue	Referral: 9/14/05	A-28
h. Department of Social Services – Housing	Referral: 3/17/06	A-30
i. NVRPA	Referrals: 3/17/06 8/1/05	A-31
j. Department Conservation and Recreation	Referral: 7/27/05	A-34
k. Parks, Recreation and Community Services	Referral: 8/06/09	A-36
l. Environmental Health	Referral: 9/09/05	A-38
m. LCSA	Referral: 11/21/05	A-39
n. County Attorney's Office	Referral: 9/29/09	A-40
2. Disclosure of Real Parties in Interest		A-45
3. Applicant's Statement of Justification	10/16/09	A-57
4. Applicant's Responses to Referral Agency Comments 9/17/09; 10/16/09		A-71
5. Draft Proffer Statement October 16, 2009		A-97
6. Plat		Following Attachments